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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

4 * * *

5 JAMES BIRKAN,

6 Plaintiff,

Case No. 2:16-cv-2060-APG-PAL

7 v.

8 SETERUS, INC., et al.,

9 Defendants.

**ORDER DISMISSING DEFENDANT
TOYOTA FINANCIAL SERVICES**

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11 On December 5, 2016, Plaintiff was advised by the court (Dkt. #32) that this action
12 would be dismissed without prejudice as to defendant Toyota Financial Services unless
13 on or before January 4, 2017, Plaintiff filed proper proof of service or showed good cause
14 why such service was not timely made. Plaintiff has failed to file proof of service nor shown
15 good cause. Nor has Plaintiff shown cause why this action should not be dismissed
16 without prejudice as to that defendant for failure to effect timely service pursuant to FRCP
17 4(m). Therefore,

18 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the above-entitled
19 action be, and hereby is, **DISMISSED without prejudice** as to defendant Toyota Financial
20 Services. The Clerk of Court is instructed to close this case, as there are no remaining
21 defendants.

22 Dated: January 9, 2017.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

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